THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8673 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondent-authorities in seizing the petitioner's vehicle bearing No.AP IU 5059, as arbitrary and illegal.

The petitioner claims to be the owner of the said vehicle, which was seized in connection with an offence under the provisions of the A.P. Excise Act. It appears that confiscation proceeding are still pending. However, pending the said proceedings, respondent No.1-Deputy Commissioner of Prohibition and Excise, by order dated 31.12.2005 ordered release of the vehicle, pending enquiry, subject to the condition that the petitioner submits FDR for Rs.52,500/- in favour of the Deputy Commissioner of Prohibition and Excise, Karimnagar, issued by any nationalized bank. It was also directed to execute a bond with two sureties with an undertaking not to sell, alienate, transfer and to produce the vehicle as and when required by the undersigned. Contending that the conditions imposed by the 1st respondent are onerous, the petitioner preferred an appeal before the 2nd respondent-Commissioner of Prohibition and Excise, which is pending.

Since admittedly, the 1st respondent has already passed an order directing release of the vehicle, subject to certain conditions, aggrieved by which, the petitioner preferred an appeal, which is pending before the 2nd respondent, I am of the opinion that this writ petition is premature and it is not necessary for this Court to express any opinion on merits.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to consider the appeal filed by the petitioner against the order dated 31.12.2005, and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

26th April, 2006.

Kgr

Issue CC in two days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8673 OF 2006

26th April, 2006.

Between:

Gurram Venkati. .. Petitioner.

And

Deputy Commissioner of Prohibition and Excise,

Karimnagar Division, Karimnagar District and

two others. .. Respondents.